

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

WP(C).No. 17688 of 2007(S)

PETITIONER:

ADIMAKUTTY,
SECRETARY, THODU SAMRAKSHANA SAMITHI,
RESIDING AT ANCHUMURIYIL HOUSE, SOUTH VAZHAKKALA,
KAKKANAD P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.G.HARIHARAN
SRI.PRAVEEN.H.

RESPONDENTS:

1. DISTRICT COLLECTOR, ERNAKULAM.
2. REVENUE DIVISIONAL OFFICER, ERNAKULAM.
3. TAHSILDAR,
KANAYANNUR TALUK, ERNAKULAM DISTRICT.
4. VILLAGE OFFICER,
VAZHAKKALA, KAKKANAD, ERNAKULAM DISTRICT.
5. SUB INSPECTOR OF POLICE,
THRIKKAKARA POLICE STATION, THRIKKAKARA,
ERNAKULAM DISTRICT.
6. THRIKKAKARA GRAMA PANCHAYATH,
THRIKKAKARA, ERNAKULAM DISTRICT.
7. ABDULLA MATHER,
BUILDING CONTRACTOR, H.M.T.JUNCTION,
NEAR ST.PAULS COLLEGE, KALAMASSERY,
ERNAKULAM DISTRICT.

BY ADV. SRI.S.SHANAVAS KHAN
R1 TO R5 BY SR.GOVERNMENT PLEADER SMT.MEERA
SRI.M.M.IRSHAD MOOPPAN
SRI.PMM.NAJEEB KHAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1 true copy of the judgment dated 23/05/06 in W.P.(C) 7442/05.

Ext.P2 true copy of the stop memo dated 13/10/05 issued by the Village Officer

Ext.P3 true copy of the prohibitory order issued by the Village Officer, Vazhakala on 13/10/06 with translation.

Ext.P4 true copy of the directions issued by the R.D.O. Fort Kochi

Ext.P5 true copy of the complaint made by the petitioner before the District Collector, Ernakulam on 06/06/07 along with the endorsement made by the District Collector with translation.

Ext.P6 true copy of the photographs

Ext.P7 true copy of the representation dated 14/06/07 filed seeking police protection

RESPONDENTS' EXHIBITS:

Ext.R1(a) proceedings of the District Collector, Ernakulam No.L5-28077/07 dated 31.5.2007

Ext.P7(a) true copy of the judgment dated 9.1.2006 in WP © 35492 of 2005-A of this Hon'ble Court.

/ true copy /

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C) No.17688 of 2007

Dated, this the 19th day of July, 2007

JUDGMENT

H.L.Dattu, C.J.

A public spirited citizen is before us for the following relief: It is as under:

“Issue a writ of mandamus or any other appropriate writ commanding the respondents 3 to 6 to restrain the 7th respondent or his men from conducting any unauthorised and illegal reclamation of agricultural lands without necessary permission from the concerned authorities.”

2. The only prayer sought for by the petitioner is to command respondents 3 to 6 to restrain the 7th respondent or his men from conducting any unauthorised and illegal reclamation of agricultural lands without obtaining necessary permission from the competent authorities.

3. The 7th respondent has filed an affidavit before this Court and in that it is stated that he has nothing to do with the lands in question and he has neither made any unauthorised nor illegal reclamation of the agricultural lands.

4. The petitioner has not filed any reply to the assertions made by the 7th respondent. The petitioner has also not impleaded the proper parties to the proceedings. In the absence of proper and necessary parties, this Court cannot entertain a petition. In that view of the matter without going into the other details of the case the writ petition is rejected. However, liberty is reserved to the petitioner to approach this Court if need arises in future.

5. In view of the order passed in the writ petition, the relief sought in

I.A.No.8542 of 2007 need not be considered by this Court. Accordingly, the said I.A. is also rejected.

Ordered accordingly.

(H.L.DATTU)
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

vns/dk